

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 16-CR-21 (PP)

vs.

SAMY M. HAMZEH,

Defendant.

**MOTION FOR LEAVE TO FILE A SUR-REPLY TO
GOVERNMENTS' BRIEF CONCERNING HAMZEH'S STATEMENTS (R.315)**

Samy Hamzeh, by counsel, moves to file a sur-reply in support of the statements the defense seeks to admit at trial. The sur-reply will slim down the transcripts the Court has to read and make its job ruling on these exhibits much easier—taking the dispute down from 103 exhibits to roughly a dozen or so.

In the initial motions in limine, the government moved to keep out all of Hamzeh's statements as hearsay, and the defense responded with all the statements it seeks to admit, and the legal arguments in support. R.310. Last night, it filed a reply, which resolves 75 of the disputed transcripts. *See* R.315. The defense has reviewed the government's objections and would like to file a brief addressing issues that remain.

The sur-reply will narrow down the transcripts that the Court will have to read and rule upon to approximately 10–15. In addition, since the government has asked for additional statements to come in under the Rule of Completeness, the defense must

submit both a *short* response but also the context that the government seeks, so the Court can rule.

Thus, the defense seeks leave to file a sur-reply brief and respectfully requests that it be October 11, though the defense will work hard to file it by October 10.

Dated at Milwaukee, Wisconsin this 9th day of October, 2019.

Respectfully submitted,

/s/ Craig W. Albee
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